

Certified True Copy

By *David E. Brown*  
Virginia Board of Nursing



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

RECEIVED

MAY 06 2016

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

David E. Brown, D.C.  
Director

May 5, 2016 VA BD OF NURSING

Mary Kay Schuyler Walder  
1930 Cavalier Lane  
Chester Springs, PA 19425

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 5/5/16

RE: License Number: 0001-074738

Dear Ms. Walder:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that the privilege to renew your license to practice as a professional nurse in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered May 5, 2016. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, the application may be obtained at [www.dhp.virginia.gov](http://www.dhp.virginia.gov).

Sincerely,

David E. Brown, D.C., Director  
Department of Health Professions

Enclosures  
Case # 172782

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: MARY KAY SCHUYLER WALDER, R.N.  
License No.: 0001-074738**

**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the Pennsylvania State Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, from Mary Kay Schuyler Walder, R.N., of her license to practice nursing in the Commonwealth of Pennsylvania by an Order which was effective on March 2, 2016. A certified copy of the Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Mary Kay Schuyler Walder, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Mary Kay Schuyler Walder, R.N., will be recorded as suspended. Should Ms. Walder seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.



\_\_\_\_\_  
David E. Brown, D.C., Director  
Department of Health Professions

ENTERED: 5/5/16



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## *Department of Health Professions*

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

### CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order which was effective on March 2, 2016, regarding Mary Kay Schuyler Walder, R.N., is a true copy of the records received from the Commonwealth of Pennsylvania State Board of Nursing.

  
\_\_\_\_\_  
David E. Brown, D.C.

Date: 5/5/16

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF NURSING

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

vs.

Marykay Schuyler Walder, R.N.,  
Respondent

File No.: 15-51-13414

Docket No: 0478-51-16

ORDER

*AND NOW*, this 2nd day of March, 2016, the **STATE BOARD OF NURSING** ("Board") adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

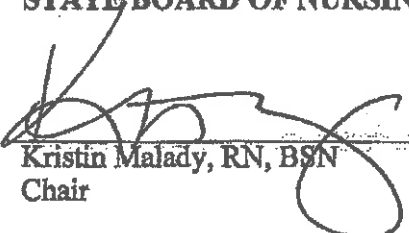
  
\_\_\_\_\_  
Ian J. Harlow  
Commissioner

For the Commonwealth:

Respondent:

Date of mailing:

**BY ORDER:  
STATE BOARD OF NURSING**

  
\_\_\_\_\_  
Kristin Malady, RN, BSN  
Chair

J. Karl Geschwindt, Esquire  
2601 North Third Street  
P. O. Box 69521  
Harrisburg, PA 17106-9521.

Marykay Schuyler Walder,  
1930 Cavalier Lane  
Chester Springs, PA 19425

March 7, 2016

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF NURSING

PROTHONOTARY

2310 MAR -7 AM 11:45

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

File No.:

Department of State  
15-51-13414

vs.

Marykay Schuyler Walder, R.N.,  
Respondent

Docket No:

0498-51-16

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and Marykay Schuyler Walder, R.N. ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Nursing ("Board") pursuant to the Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"), *as amended*, 63 P.S. §§ 211-226; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), *as amended*, 63 P.S. §§ 2201-2207.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a registered nurse in the Commonwealth of Pennsylvania: license no. RN305448L, which was originally issued on October 13, 1989, and which expired on April 30, 2016.

STIPULATED FACTS

3. The Respondent admits that the following allegations are true:

- a. Absent further Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.
- b. Respondent's last known office address, as on file with the Board is:  
1930 Cavalier Lane, Chester Springs, PA 19425
- c. On or about August 13, 2015, in the Court of Common Pleas of Chester County, at Docket Number CP-15-CR-0001353-2014, Respondent entered into Accelerated Rehabilitative Discipline (ARD) in resolution of one (1) count of violating 75 Pa. C.S. § 3802(c), DUI: Highest Ret of Alc (BAC .16+) 1<sup>st</sup> Off, a Misdemeanor.
- d. On or about October 7, 2015, Respondent admitted to the Physician's Health Monitoring Program (PHMP) that she suffers from alcoholism.
- e. Respondent was offered an opportunity to participate in the Voluntary Recovery Program (VRP) of the PHMP.
- f. Respondent did not complete the VRP enrollment process.
- g. On or about December 3, 2016, the Probable Cause Screening Committee of the Board<sup>1</sup> issued an Order Compelling Mental and Physical Examination directing Respondent to submit to a mental and physical examination by George E. Woody, M.D.
- h. Respondent would prefer to resolve this matter by voluntarily surrendering her license.

---

<sup>1</sup> The participating members of the committee were Suzanne Hendricks, BSBH, R.N., LPN, Kathleen Dwyer, PhD., RD, LDN, and Robert E. Ames.

- i. Respondent requests that the Board accept the voluntary surrender of her/his license to practice nursing.
- j. Respondent agrees, understands and acknowledges that by voluntarily surrendering her/his license to practice nursing that (s)he is forfeiting, relinquishing, and surrendering any and all rights, title and privilege to practice nursing in the Commonwealth of Pennsylvania and all property rights in retaining, renewing and/or reactivating her/his professional nursing license.
- k. Respondent agrees, understands and acknowledges that the acceptance of the voluntary surrender of Respondent's license by the Board constitutes a reportable disciplinary action of the Board and has the legal effect of a revocation of her/his nursing license. This action is reportable to entities including, but not limited to, the National Practitioner Data Bank, the licensing authority of any state or jurisdiction, governmental entities including federal and state agencies, and any private or public health care facility.
- l. Respondent is aware of and understands Respondent's right to have formal charges filed against Respondent and Respondent's right to an administrative hearing in this matter, and the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision. Nonetheless, Respondent knowingly and voluntarily waives these rights as set forth in paragraph 7 below.

**ALLEGED VIOLATIONS**

4. The Commonwealth alleges that the Board is authorized to suspend, revoke, or otherwise restrict Respondent's license under Section 14(a) of the Act, 63 P.S. § 224(a); and/or impose a civil penalty upon Respondent under Section 13(b) of the Act, 63 P.S. § 223(b), and /or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at:

a. Section 14(a)(2), 63 P.S. § 224(a)(2), in that she is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

**PROPOSED ORDER**

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it is authorized to suspend, revoke, or otherwise restrict Respondent's license under Section 14(a) of the Act, 63 P.S. § 224(a); and/or impose a civil penalty upon Respondent under Section 13(b) of the Act, 63 P.S. § 223(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at:

(1) Section 14(a)(2), 63 P.S. § 224(a)(2), in that she is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical

illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

### **VOLUNTARY SURRENDER**

b. The Board hereby accepts, the **VOLUNTARY SURRENDER** of Respondent's license to practice as a registered nurse in the Commonwealth of Pennsylvania, License No. RN305448L, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board.

c. Respondent agrees to cease practicing as a registered nurse in the Commonwealth on and after the effective date of this Consent Agreement, and shall not indicate she has any authority to practice the profession in the Commonwealth in any manner whatsoever in the future.

d. The acceptance of Respondent's license by the Board constitutes a reportable disciplinary action of the Board and has the legal effect of a revocation of her/his nursing license. This action is reportable to entities including, but not limited to, the National Practitioner Data Bank, the licensing authority of any state or jurisdiction, governmental entities including federal and state agencies, and any private or public health care facility.

e. Respondent relinquishes all rights, title and privilege to practice nursing in the Commonwealth of Pennsylvania and all property rights in retaining, renewing and/or reactivating her/his professional nursing license in the future.

f. Respondent shall, within ten (10) days of adoption of this Consent Agreement and Order, surrender Respondent's biennial renewal certificate and wallet card (or notarized affidavit of their loss or destruction) by mailing them to:

J. Karl Geschwindt  
Prosecuting Attorney  
Bureau of Professional and Occupational Affairs  
P.O. Box 2649  
Harrisburg, PA 17105-2649

or by delivering them in person at:

Bureau of Professional and Occupational Affairs  
One Penn Center  
2601 North 3rd Street  
Harrisburg, Pennsylvania

g. Respondent is precluded from applying for reactivation renewal, reissuance or reinstatement of Respondent's license without specific authorization from the Board.

h. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

**ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS**

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

**ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

7. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

**ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

8. Respondent acknowledges that she is aware that she has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

**WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS**

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of

prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

**NO MODIFICATION OF ORDER**

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

**AGREEMENT NOT BINDING ON OTHER PARTIES**

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

**EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT**

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

ENTIRE AGREEMENT

13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS

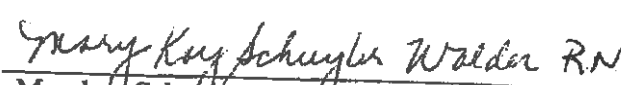
14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

VERIFICATION OF FACTS AND STATEMENTS

15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

  
J. Karl Geschwindt  
Prosecuting Attorney

DATED: 1/29/16

  
Mary Kay Schuyler Walder, R.N.  
Respondent

DATED: 1-26-16